

CHARTER REVIEW COMMISSION

MINUTES

MARCH 23, 2010

MEETING #6 6:00 P.M.

KENDALL DEAN CONFERENCE ROOM

83 GREENE STREET

NORTH SMITHFIELD, RI 02896

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| MEMBERS: | JASON TINER (CHAIR) | <u> </u> | PRESENT | <u> X </u> | ABSENT |
| | KENNETH MURPHY (V. CHAIR) | <u> X </u> | PRESENT | <u> </u> | ABSENT |
| | JOHN WOJCIK (REC. SEC.) | <u> X </u> | PRESENT | <u> </u> | ABSENT |
| | MICHAEL CLIFFORD | <u> X </u> | PRESENT | <u> </u> | ABSENT |
| | FRANCESCA JOHANNIS | <u> X </u> | PRESENT | <u> </u> | ABSENT |
| | ALFRED PUCCETTI | <u> X </u> | PRESENT | <u> </u> | ABSENT |
| | LINDA THIBAUT | <u> X </u> | PRESENT | <u> </u> | ABSENT |

* AGENDA: REVIEW OF TOWN CHARTER ARTICLES: FOCUS ARTICLE V
TOWN ADMINISTRATOR

* MEETING CALL TO ORDER: BY K.MURPHY TIME: 6:05 P.M.

* APPROVAL OF MINUTES FROM FEBRUARY 26, 2010: APPROVED
MOTION BY L.THIBAUT SECONDED BY M.CLIFFORD

* MINUTES SUBMITTED BY RECORDING SECRETARY: J.WOJCIK

DISCUSSION:

A.PUCCETTI STATED THAT THE BUDGET REPORT HE SUBMITTED AT THE LAST MEETING WAS CLEARER THAN THE CURRENT CHARTER LANGUAGE. ALTHOUGH SOME MEMBERS AGREED, NO FURTHER CHANGES WERE MADE TO ARTICLE III OR ARTICLE VIII. HOWEVER, HE NOTED THAT ARTICLE III, SECTION 2, "SUBMISSION OF ESTIMATES", SUBSECTION (a), LINE ONE (1), STILL NEEDED A COMMITTEE DECISION CONCERNING CHANGING THE DATE OF ESTIMATE SUBMISSION FOR THE SCHOOL DEPARTMENT.

L.THIBAUT NOTED THAT THE SCHOOL DEPARTMENT HAD A DIFFERENT DATE DEADLINE FROM OTHER DEPARTMENTS FOR SUBMISSION OF BUDGET ESTIMATES. THE SCHOOL DEPARTMENT DEADLINE IN THE CHARTER PRESENTLY IS "NO LATER THAN FEBRUARY 15TH." A. PUCCETTI STATED ALL DEPARTMENTS SHOULD HAVE THE SAME DEADLINE AS THE CHANGE RECOMMENDED BY THE REVIEW COMMITTEE FOR ALL OTHER DEPARTMENTS. AT THE LAST MEETING THE RECOMMENDATION FOR ALL DEPARTMENTS OTHER THAN THE SCHOOL DEPARTMENT WAS TO CHANGE "NO LATER THAN THE SECOND MONDAY IN JANUARY" TO "NO LATER THAN THE SECOND MONDAY IN DECEMBER."

A.PUCCETTI STATED THAT THE BUDGET COMMITTEE COULD DO A BETTER JOB IF ESTIMATES WERE COMPLETED IN DECEMBER. F.JOHANNIS POINTED OUT THAT THE SCHOOL DEPARTMENT HAS A LARGER, MORE COMPLEX BUDGET THAN ALL OTHER DEPARTMENTS. MEETING THE DECEMBER DEADLINE WOULD BE VERY DIFFICULT.

A MOTION BY M.CLIFFORD, SECONDED BY L.THIBAUT WAS MADE TO CHANGE THE SCHOOL DEADLINE TO "NO LATER THAN THE SECOND MONDAY IN DECEMBER." HE THEN WITHDREW THE MOTION AND SUBSTITUTED A NEW MOTION SECONDED BY L.THIBAUT STATING: "IN ARTICLE III SECTION 2, SUBMISSION OF ESTIMATES, SUBSECTION (a), STRIKE THE PHRASE '...(EXCLUDING THAT OF THE SCHOOL DEPARTMENT)..."

DISCUSSION FOLLOWED. M.CLIFFORD STATED THAT THE SCHOOL DEPARTMENT BUDGET IS 97% FIXED, SO IT SHOULDN'T BE TOO DIFFICULT TO SUBMIT AN ESTIMATE IN DECEMBER. F.JOHANNIS SAID IT WAS MUCH MORE COMPLICATED THAN THAT AND MAYBE MORE EXPLANATION WAS NEEDED TO UNDERSTAND THE ISSUES INVOLVED LIKE UNION AND MEDICAL CONTRACTS. L.THIBAUT STATED THAT DATES ARE USED AS GUIDELINES, AND SHE COULD NOT RECALL THE PROCESS EVER PENALIZING DEPARTMENTS FOR MISSING A DATE. THE QUESTION WAS MOVED AND A VOTE TAKEN.

ROLL CALL VOTE 5 TO 1 MOTION APPROVED: F.JOHANNIS - NO; K.MURPHY - YES; L.THIBAUT - YES; A.PUCCETTI - YES; M.CLIFFORD - YES; J.WOJCIK - YES.

DISCUSSION TURNED TO THE TOWN ADMINISTRATOR'S POSITION. F.JOHANNIS PASSED OUT A 2008 RI MUNICIPAL SALARY SURVEY SHOWING SALARIES OF THE CHIEF EXECUTIVES, MAYORS/TOWN MANAGERS/TOWN ADMINISTRATORS. THE SURVEY ALSO NOTED ELECTED OFFICIALS AS OPPOSED TO APPOINTED OFFICIALS. IN THIRTY THREE (33) DISTRICTS LISTED (ADDITIONAL SIX NOT AVAILABLE), TWENTY-ONE HAD AN APPOINTED CHIEF EXECUTIVE (MANAGER), AND TWELVE (12) HAD AN ELECTED CHIEF EXECUTIVE (MAYOR OR ADMINISTRATOR). THE 2008 SALARY OF NORTH SMITHFIELD'S ADMINISTRATOR WAS RANKED AS 31ST AT \$71,285.00. THE TOP SALARY WAS THE LISTING FROM EAST PROVIDENCE AT \$143,941.00, AND THE LOWEST WAS FROM WEST GREENWICH AT \$55,729.00.

A MOTION BY F.JOHANNIS SECONDED BY A PUCCETTI: CHANGE ARTICLE V TO READ TOWN MANAGER INSTEAD OF TOWN ADMINISTRATOR THEREBY CHANGING THE FORM OF GOVERNMENT IN NORTH SMITHFIELD.

DISCUSSION FOLLOWED. L.THIBAUT STATED SHE WAS OPPOSED TO THE CHANGE. SHE BELIEVED IN AN ELECTED TOWN ADMINISTRATOR. SHE SPOKE OF THE ADVANTAGES AND DISADVANTAGES IN OTHER TOWNS. SHE SAID THAT BURRILLVILLE MIGHT HAVE A LOWER TAX RATE BUT THEY MAY HAVE ADDITIONAL FEES. SHE SAID SMITHFIELD TRIED TO DISMISS A MANAGER AND LEGAL COSTS WERE CLOSE TO TWO MILLION DOLLARS. BASED ON HER PAST EXPERIENCE SHE FAVORED A TWO YEAR ADMINISTRATOR WHO COULD BE VOTED IN OR OUT OF OFFICE.

K.MURHY FAVORED AN ELECTED TOWN ADMINISTRATOR AND CITED HIS PAST EXPERIENCES BOTH PUBLIC AND PRIVATE.

F.JOHANNIS ASKED IF PAST CHIEF EXECUTIVES HAVE BEEN AS EXPERIENCED AND COMPETENT AS THEY COULD HAVE BEEN. SHOULD QUALIFICATIONS BE MORE EXTENSIVE THAN JUST BEING A TOWN RESIDENT?

A.PUCCETTI STATED THAT THERE WAS A REAL BENEFIT IN HAVING A HIGHLY QUALIFIED TOWN MANAGER AS OPPOSED TO A POPULAR ADMINISTRATOR WITH LITTLE EXPERIENCE IN BUSINESS OR TOWN GOVERNMENT. EXPERIENCE AND KNOWLEDGE COULD AVOID MANY ISSUES BOTH LEGAL AND POLITICAL. A MANAGER'S INITIAL CONTRACT COULD BE FOR TWO YEARS, AND THEN EXTENDED FOR MULTIPLE YEARS IF HE/SHE IS HANDLING THE JOB WELL.

F.JOHANNIS STATED THAT IF A GOOD PROCESS IS DEVELOPED TO APPOINT A MANAGER, THAN THE TOWN IS MORE LIKELY TO BENEFIT. THERE IS A CONTINUITY OF GOVERNANCE AND A LEARNING CURVE ISSUE TO CONSIDER. SHE STATED THAT IN A TWO YEAR TERM, IT COULD TAKE SIX MONTHS OR MORE TO LEARN THE JOB.

M.CLIFFORD FAVORS AN APPOINTED MANAGER. THE POOL OF CANDIDATES WOULD BE LARGER. WIDER EXPERIENCE AND BACKGROUND WOULD BE A DEFINITE ADVANTAGE. NORTH SMITHFIELD, HOWEVER, COULD HAVE A PROBLEM ATTRACTING QUALIFIED, EXPERIENCED APPLICANTS BECAUSE OF SALARY ISSUES. HOWEVER, AN EXPERIENCED MANAGER SHOULD BE ABLE TO MAKE BETTER DECISIONS FOR THE TOWN. THE POSITION COULD BE LESS POLITICALLY MOTIVATED IN MAKING DECISIONS BECAUSE THE MANAGER WOULD HAVE A CONTRACT AND NOT WORRY ABOUT BEING ELECTED. M.CLIFFORD REFERRED TO THE CHARTER HANDOUTS FROM BURRILLVILLE AND SMITHFIELD CITING TOWN MANAGERS.

A.PUCCETTI AND L.THIBAUT MENTIONED THAT PERSONNEL BOARDS ARE USUALLY PART OF THE HIRING PROCESS FOR TOWN EMPLOYEES. A.PUCCETTI STATED THAT THE TOWN DESERVES A LARGER POOL OF CANDIDATES FROM WHICH TO CHOOSE. NON RESIDENTS SHOULD BE INCLUDED IN THE APPLICATION PROCESS FOR A TOWN MANAGER. WHEN ONLY TWO CANDIDATES ARE VYING FOR THE POSITION AS TOWN ADMINISTRATOR, OFTENTIMES THE VOTER IS HEARD TO SAY, "I VOTED FOR THE LESSER OF TWO EVILS." AGAIN, CAN NORTH SMITHFIELD COMPETE BECAUSE OF THE SALARY ISSUE?

F.JOHANNIS CITED THE SELECTION PROCESS USED BY THE SCHOOL DEPARTMENT IN CHOOSING A SUPERINTENDENT. ONCE CHOSEN, THE SUPERINTENDENT WORKS CLOSELY WITH THE SCHOOL COMMITTEE MAKING A BETTER EDUCATIONAL SYSTEM. COMPETITIVE SALARY IS A MUST IN ATTRACTING THE RIGHT PERSON. M.CLIFFORD ADDED THE TOWN WOULD BENEFIT FROM AN APPOINTED TOWN MANAGER.

J.WOJCIK ASKED HOW AVAILABLE AND RESPONSIVE TO TOWN RESIDENTS WOULD AN APPOINTED MANAGER BE? WOULD A MANAGER ONLY BE RESPONSIBLE TO THE TOWN COUNCIL? MEMBERS SAID THAT BECAUSE A MANAGER IS DIRECTLY RESPONSIBLE TO AND APPOINTED BY THE TOWN COUNCIL, AND THE COUNCIL IS ELECTED BY THE VOTERS, THERE SHOULD BE LITTLE OR NO CHANGE FROM THE CURRENT SYSTEM. J.WOJCIK STATED THAT THOUGH SOME ISSUES HAVE BOTH POSITIVE AND NEGATIVE CONCERNS, PEOPLE HAVE TO DECIDE WHICH ARGUMENT IS STRONGER AND WOULD HAVE THE GREATER BENEFITS.

MEMBERS ALSO THOUGHT IT MIGHT BE AN ISSUE THAT VOTERS SHOULD EVENTUALLY DECIDE.

L.THIBAUTL MOVED THE QUESTION, SECONDED BY M.CLIFFORD.

THE MOTION (TO CHANGE FROM A TOWN ADMINISTRATOR TO A TOWN MANAGER) WAS VOTED UPON AND APPROVED 4-2: ROLL CALL: L.THIBAUTL - NO; K.MURPHY - NO; A.PUC CETTI - YES; F.JOHANNIS - YES; M.CLIFFORD - YES; J.WOJCIK - YES.

L.THIBAUTL PROPOSED THAT A SUBCOMMITTEE BE FORMED TO STUDY AND REVIEW ARTICLE V TOWN ADMINISTRATOR CHANGING THE FOCUS OF TOWN GOVERNMENT TO A TOWN MANAGER. THE SUBCOMMITTEE COULD PRESENT ITS FINDINGS AT THE NEXT CHARTER REVIEW MEETING. A.PUC CETTI, F.JOHANNIS, AND M.CLIFFORD AGREED TO FORM A SUBCOMMITTEE AND BRING RECOMMENDATIONS TO THE NEXT MEETING.

M.CLIFFORD MADE A MOTION SECONDED BY L.THIBAUTL TO HAVE THE RECORDING SECRETARY CONTACT THE TOWN COUNCIL STATING THAT THE CHARTER REVIEW COMMISSION NEEDED A MONDAY, APRIL 19TH, DATE TO COMPLETE ITS WORK AND PRESENT ITS FINDINGS TO THE TOWN COUNCIL. MOTION WAS APPROVED UNANIMOUSLY.

NEXT MEETING IS SCHEDULED FOR THURSDAY, APRIL 1, 2010, AT KENDALL DEAN CONFERENCE ROOM AT 6:00 P.M. FOCUS WILL BE SUB COMMITTEE REPORT ON ARTICLE V CHANGE TO TOWN MANAGER AND ARTICLE VI TOWN SOLICITOR.

MOTION TO ADJOURN BY L.THIBAUTL SECONDED A.PUC CETTI
TIME: 7:45 P.M.